
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1043 Session of
2015

INTRODUCED BY GREENLEAF, RAFFERTY AND SCHWANK, OCTOBER 23, 2015

REFERRED TO JUDICIARY, OCTOBER 23, 2015

AN ACT

1 Amending Titles 12 (Commerce and Trade), 15 (Corporations and
2 Unincorporated Associations) and 42 (Judiciary and Judicial
3 Procedure) of the Pennsylvania Consolidated Statutes,
4 providing for enforcement of mercantile contracts; in general
5 provisions, further providing for definitions; in workers'
6 cooperative corporations, further providing for records; in
7 general provisions, further providing for definitions; in
8 general structure and powers, further providing for unified
9 judicial system; in organization of appellate courts,
10 providing for appellate division of the Commerce Court of
11 Pennsylvania; in jurisdiction of appellate courts, further
12 providing for transfers between intermediate appellate
13 courts, for lien of judgments for money, for direct appeals
14 from courts of common pleas, for allowance of appeals from
15 Superior and Commonwealth courts, for appeals from courts of
16 common pleas, for original jurisdiction, for appeals from
17 courts of common pleas and for direct appeals from government
18 agencies; providing for jurisdiction of appellate division of
19 the Commerce Court; providing for organization and
20 jurisdiction of the Commerce Court of Pennsylvania; in
21 judicial boards and commissions, in selection and retention
22 of judicial officers, providing for selection and retention
23 of judges of the Commerce Court; in budget and finance,
24 providing for salaries of judges of the Commerce Court;
25 establishing the Commerce Court Fund; in preliminary
26 provisions, further providing for right to appellate review,
27 for bases of personal jurisdiction over persons outside this
28 Commonwealth and for appeals generally; and, in arbitration,
29 further providing for scope of subchapter and providing for
30 Commerce Court arbitration.

31 The General Assembly of the Commonwealth of Pennsylvania

32 hereby enacts as follows:

1 Section 1. Title 12 of the Pennsylvania Consolidated
2 Statutes is amended by adding a chapter to read:

3 CHAPTER 2

4 ENFORCEMENT OF MERCANTILE CONTRACTS

5 Sec.

6 201. Choice of law.

7 202. Choice of forum.

8 203. Choice of jurisdiction or venue.

9 § 201. Choice of law.

10 (a) General rule.--Except as provided in 13 Pa.C.S. §
11 1301(b) (relating to territorial applicability; parties' power
12 to choose applicable law), the parties to any contract,
13 agreement or undertaking, contingent or otherwise, may agree in
14 writing that the laws of this Commonwealth shall govern their
15 rights, remedies, liabilities, powers and duties, in whole or in
16 part, in all matters arising under the contract, agreement or
17 undertaking that are within the jurisdiction of the Commerce
18 Court under 42 Pa.C.S. § 832 (relating to original
19 jurisdiction), whether or not the contract, agreement or
20 undertaking otherwise bears a reasonable relation to this
21 Commonwealth.

22 (b) Other rights unaffected.--Nothing in this section shall
23 be construed to limit or deny the enforcement of any provisions
24 respecting choice of law in any other contract, agreement or
25 undertaking.

26 § 202. Choice of forum.

27 (a) General rule.--Any person may maintain an action or
28 proceeding against a qualified person in the Commerce Court
29 where the action or proceeding relates to a matter that is
30 within the jurisdiction of the Commerce Court under 42 Pa.C.S. §

1 832 (relating to original jurisdiction) and arises under any
2 contract, agreement or undertaking, contingent or otherwise,
3 that contains a provision by which the qualified person agrees
4 to submit to the jurisdiction of the courts of this
5 Commonwealth.

6 (b) Other rights unaffected.--Nothing contained in this
7 section shall be construed to limit or deny the enforcement of
8 any provisions respecting choice of forum in any other contract,
9 agreement or undertaking.

10 (c) Definition.--As used in this section, the term
11 "qualified person" means:

12 (1) a foreign or alien person, nonresident person or
13 foreign state;

14 (2) a public utility corporation as defined in 15
15 Pa.C.S. § 1103 (relating to definitions);

16 (3) a foreign corporation for profit that, if organized
17 under the laws of this Commonwealth, would be a public
18 utility corporation as defined in 15 Pa.C.S. § 1103; or

19 (4) an association as defined in 15 Pa.C.S. § 102
20 (relating to definitions), whether domestic or foreign, all
21 of the outstanding shares or other equitable interests of
22 which are owned by a person or entity under paragraph (1),
23 (2) or (3).

24 § 203. Choice of jurisdiction or venue.

25 (a) General rule.--A written agreement by a qualified person
26 fixing the court having jurisdiction, as between courts of
27 concurrent jurisdiction, or the place of trial in a matter
28 within the jurisdiction of the Commerce Court under 42 Pa.C.S. §
29 832 (relating to original jurisdiction), made before an action
30 is commenced, shall be enforced against the person upon an

1 application, motion or praecipe for removal or transfer to
2 another court of concurrent jurisdiction or for change of place
3 of trial.

4 (b) Other rights unaffected.--Nothing in this section shall
5 be construed to limit or deny the enforcement of any provisions
6 respecting jurisdiction of courts or place of trial in any other
7 contract, agreement or undertaking.

8 (c) Definition.--As used in this section, the term
9 "qualified person" means:

10 (1) a foreign or alien person, nonresident person or
11 foreign state;

12 (2) a public utility corporation as defined in 15
13 Pa.C.S. § 1103 (relating to definitions);

14 (3) a foreign corporation for profit that, if organized
15 under the laws of this Commonwealth, would be a public
16 utility corporation as defined in 15 Pa.C.S. § 1103; or

17 (4) an association as defined in 15 Pa.C.S. § 102
18 (relating to definitions), whether domestic or foreign, all
19 of the outstanding shares or other equitable interests of
20 which are owned by a person or entity under paragraph (1),
21 (2) or (3).

22 Section 2. The definition of "court" in section 102 of Title
23 15 is amended to read:

24 § 102. Definitions.

25 (a) Defined terms.--Subject to additional or inconsistent
26 definitions contained in subsequent provisions of this title
27 that are applicable to specific provisions of this title, the
28 following words and phrases when used in this title shall have,
29 unless the context clearly indicates otherwise, the meanings
30 given to them in this section:

1 * * *

2 "Court." Subject to 42 Pa.C.S. § 833 (relating to concurrent
3 and exclusive jurisdiction) and, with respect to paragraphs (1)
4 and (2), any inconsistent general rule prescribed by the Supreme
5 Court of Pennsylvania:

6 (1) the court of common pleas of the judicial district
7 embracing the county where the registered office of the
8 corporation or other association is or is to be located; [or]

9 (2) where an association results from a merger, division
10 or other transaction without establishing a registered office
11 in this Commonwealth or withdraws as a foreign corporation or
12 association, the court of common pleas in which venue would
13 have been laid immediately prior to the transaction or
14 withdrawal[.]; or

15 (3) the Commerce Court of Pennsylvania.

16 * * *

17 Section 3. Section 7714(c)(1) of Title 15 is amended to
18 read:

19 § 7714. Records.

20 * * *

21 (c) Remedy to compel inspection.--

22 (1) If the corporation refuses to permit an inspection
23 sought by a member under subsection (b) or does not reply to
24 the demand within five business days after the demand has
25 been made, the member may apply to the court [of common pleas
26 of the county in which the registered office of the
27 corporation is located] for an order to compel inspection.
28 The court [of common pleas] has exclusive original
29 jurisdiction to determine whether or not the person seeking
30 inspection is entitled to the inspection sought. The court

1 may summarily order the corporation to permit the member to
2 inspect the material and to make copies or extracts. The
3 court may order the corporation to furnish to the member a
4 list of its members as of a specific date on condition that
5 the member first pay to the corporation the reasonable cost
6 of obtaining and furnishing the list and on other conditions
7 as the court deems appropriate.

8 * * *

9 Section 4. The definition of "appellate court" in section
10 102 of Title 42 is amended and the section is amended by adding
11 definitions to read:

12 § 102. Definitions.

13 Subject to additional definitions contained in subsequent
14 provisions of this title which are applicable to specific
15 provisions of this title, the following words and phrases when
16 used in this title shall have, unless the context clearly
17 indicates otherwise, the meanings given to them in this section:

18 * * *

19 "Appellate court." Includes the Supreme Court, the Superior
20 Court [and], the Commonwealth Court and the appellate division
21 of the Commerce Court.

22 "Appellate division." The appellate division of the Commerce
23 Court established under section 581 (relating to appellate
24 division of Commerce Court).

25 * * *

26 "Commerce Court." The court established under section 811
27 (relating to Commerce Court).

28 "Commerce Court rule." A rule or order promulgated by the
29 Commerce Court.

30 * * *

1 "Statewide judges." Judges of the Supreme Court, Superior
2 Court, Commonwealth Court and Commerce Court.

3 * * *

4 Section 5. Section 301 of Title 42 is amended to read:

5 § 301. Unified judicial system.

6 The judicial power of the Commonwealth shall be vested in a
7 unified judicial system consisting of the:

8 (1) Supreme Court.

9 (2) Superior Court.

10 (3) Commonwealth Court.

11 (3.1) Commerce Court.

12 (4) Courts of common pleas.

13 (5) Community courts.

14 (6) Philadelphia Municipal Court.

15 (7) Pittsburgh Magistrates Court.

16 (8) Traffic Court of Philadelphia.

17 (9) Magisterial district judges.

18 All courts and magisterial district judges and their
19 jurisdiction shall be in this unified judicial system.

20 Section 6. Chapter 5 of Title 42 is amended by adding a
21 subchapter to read:

22 SUBCHAPTER E

23 APPELLATE DIVISION OF THE

24 COMMERCE COURT OF PENNSYLVANIA

25 Sec.

26 581. Appellate division of Commerce Court.

27 582. Powers of appellate division.

28 583. Seat of appellate division.

29 § 581. Appellate division of Commerce Court.

30 (a) General rule.--There shall be an appellate division of

1 the Commerce Court which shall consist of the following:

2 (1) The president judge and the other judges in regular
3 active service.

4 (2) Four years after the effective date of this section,
5 the president judge and four other senior judges in regular
6 active service.

7 (b) Panels and en banc.--When reviewing orders of the
8 Commerce Court, the appellate division shall sit in panels, and
9 no member of the appellate division shall participate as a
10 member of a panel in the judicial review of any order or other
11 action in which the person participated as a matter of original
12 jurisdiction. A decision of a panel may be reviewed by the
13 division en banc.

14 § 582. Powers of appellate division.

15 The appellate division of the Commerce Court shall have all
16 powers necessary or appropriate in aid of its jurisdiction which
17 are agreeable to the usages and principles of law.

18 § 583. Seat of appellate division.

19 The regular sessions of the appellate division of the
20 Commerce Court shall be held in the cities of Harrisburg,
21 Philadelphia and Pittsburgh and any other location as prescribed
22 by Commerce Court rule.

23 Section 7. Sections 705, 707, 722, 724, 742, 761, 762(a)(5)
24 and (b) and 763 of Title 42 are amended to read:

25 § 705. Transfers [between] among intermediate appellate courts.

26 The Superior Court [and], the Commonwealth Court and the
27 appellate division of the Commerce Court shall have power
28 pursuant to general rules, on their own motion or upon
29 [petition] application of any party, to transfer any appeal to
30 [the other] another appellate court or division, subject to the

1 restrictions of section 835 (relating to restrictions on
2 jurisdiction), for consideration and decision with any matter
3 pending in such other court or division involving the same or
4 related questions of fact, law or discretion.

5 § 707. Lien of judgments for money.

6 Any judgment or other order of the Supreme Court, the
7 Superior Court [or], the Commonwealth Court or the appellate
8 division of the Commerce Court for the payment of money shall
9 not be a lien upon real property in any county until it is
10 entered of record in the office of the clerk of the court of
11 common pleas of the county where the property is situated, or in
12 the office of the clerk of the branch of the court of common
13 pleas embracing such county, in the same manner as a judgment
14 transferred from the court of common pleas of another county.

15 § 722. Direct appeals from courts of common pleas.

16 (a) General rule.--The Supreme Court shall have exclusive
17 jurisdiction of appeals from final orders of the courts of
18 common pleas in the following classes of cases:

19 (1) Matters prescribed by general rule.

20 (2) The right to public office.

21 (3) Matters where the qualifications, tenure or right to
22 serve, or the manner of service, of any member of the
23 judiciary is drawn in question.

24 (4) Automatic review of sentences as provided by 42
25 Pa.C.S. §§ 9546(d) (relating to relief and order) and 9711(h)
26 (relating to sentencing procedure for murder of the first
27 degree).

28 (5) Supersession of a district attorney by an Attorney
29 General or by a court or where the matter relates to the
30 convening, supervision, administration, operation or

1 discharge of an investigating grand jury or otherwise
2 directly affects such a grand jury or any investigation
3 conducted by it.

4 (6) Matters where the right or power of the Commonwealth
5 or any political subdivision to create or issue indebtedness
6 is drawn in direct question.

7 (7) [Matters] Except as provided under subsection (b),
8 matters where the court of common pleas has held invalid as
9 repugnant to the Constitution, treaties or laws of the United
10 States, or to the Constitution of this Commonwealth, any
11 treaty or law of the United States or any provision of the
12 Constitution of, or of any statute of, this Commonwealth, or
13 any provision of any home rule charter.

14 (8) Matters where the right to practice law is drawn in
15 direct question.

16 (b) Exception.--The Supreme Court shall not have
17 jurisdiction under subsection (a)(7) of such classes of appeals
18 from the courts of common pleas under section 783 (relating to
19 appeals from courts of common pleas) within the exclusive
20 jurisdiction of the appellate division of the Commerce Court.

21 § 724. Allowance of appeals from [Superior and Commonwealth
22 Courts] intermediate appellate courts.

23 (a) General rule.--Except as provided by section 9781(f)
24 (relating to limitation on additional appellate review), final
25 orders of the Superior Court and final orders of the
26 Commonwealth Court not appealable under section 723 (relating to
27 appeals from Commonwealth Court) may be reviewed by the Supreme
28 Court upon allowance of appeal by any two justices of the
29 Supreme Court upon petition of any party to the matter. If the
30 petition shall be granted, the Supreme Court shall have

1 jurisdiction to review the order in the manner provided by
2 section 5105(d) (1) (relating to scope of appeal).

3 (a.1) Commerce Court appeals.--Final orders of the appellate
4 division of the Commerce Court may be reviewed by the Supreme
5 Court upon allowance of appeal by any two justices of the
6 Supreme Court upon petition of any party to the matter if the
7 petition is granted within 90 days after it is filed. If the
8 petition under this subsection is granted, the Supreme Court
9 shall have jurisdiction to review the order in the manner
10 provided by section 5105(d) (1).

11 (b) Improvident appeals.--If an appeal is improvidently
12 taken to the Supreme Court under section 723 in a case where the
13 proper mode of review is by petition for allowance of appeal
14 under this section, this alone shall not be a ground for
15 dismissal, but the papers whereon the appeal was taken shall be
16 regarded and acted on as a petition for allowance of appeal and
17 as if duly filed at the time the appeal was taken.

18 § 742. Appeals from courts of common pleas.

19 The Superior Court shall have exclusive appellate
20 jurisdiction of all appeals from final orders of the courts of
21 common pleas, regardless of the nature of the controversy or the
22 amount involved, except such classes of appeals as are by any
23 provision of this chapter within the exclusive jurisdiction of
24 the Supreme Court [or], the Commonwealth Court or the appellate
25 division of the Commerce Court.

26 § 761. Original jurisdiction.

27 (a) General rule.--The Commonwealth Court shall have
28 original jurisdiction of all civil actions or proceedings:

29 (1) Against the Commonwealth government, including any
30 officer thereof, acting in his official capacity, except:

1 (i) actions or proceedings in the nature of
2 applications for a writ of habeas corpus or post-
3 conviction relief not ancillary to proceedings within the
4 appellate jurisdiction of the court;

5 (ii) eminent domain proceedings;

6 (iii) actions or proceedings conducted pursuant to
7 Chapter 85 (relating to matters affecting government
8 units);

9 (iv) actions or proceedings conducted pursuant to
10 the act of May 20, 1937 (P.L.728, No.193), referred to as
11 the Board of Claims Act; [and]

12 (v) actions or proceedings in the nature of trespass
13 as to which the Commonwealth government formerly enjoyed
14 sovereign or other immunity and actions or proceedings in
15 the nature of assumpsit relating to such actions or
16 proceedings in the nature of trespass[.]; and

17 (vi) such matters under Subchapter C of Chapter 8
18 (relating to jurisdiction of the Commerce Court) within
19 the jurisdiction of the Commerce Court.

20 (2) By the Commonwealth government, including any
21 officer thereof, acting in his official capacity, except:

22 (i) eminent domain proceedings[.]; and

23 (ii) such matters prescribed by section 832(a)(1) or
24 (c) (relating to original jurisdiction) within the
25 jurisdiction of the Commerce Court.

26 [(3) Arising under Article V of the act of May 17, 1921
27 (P.L.789, No.285), known as "The Insurance Department Act of
28 1921."]

29 (4) Original jurisdiction of which is vested in the
30 Commonwealth Court by any unrepealed statute [hereafter]

1 enacted after April 28, 1978.

2 (b) Concurrent and exclusive jurisdiction.--The jurisdiction
3 of the Commonwealth Court under subsection (a) shall be
4 exclusive except as provided in section 721 (relating to
5 original jurisdiction) and except with respect to actions or
6 proceedings by the Commonwealth government, including any
7 officer thereof, acting in his official capacity, where the
8 jurisdiction of the court shall be concurrent with the Commerce
9 Court and the several courts of common pleas.

10 (c) Ancillary matters.--The Commonwealth Court shall have
11 original jurisdiction in cases of mandamus and prohibition to
12 courts of inferior jurisdiction and other government units where
13 such relief is ancillary to matters within its appellate
14 jurisdiction, and it, or any judge thereof, shall have full
15 power and authority when and as often as there may be occasion,
16 to issue writs of habeas corpus under like conditions returnable
17 to the said court. To the extent prescribed by general rule the
18 Commonwealth Court shall have ancillary jurisdiction over any
19 claim or other matter which is related to a claim or other
20 matter otherwise within its exclusive original jurisdiction.

21 § 762. Appeals from courts of common pleas.

22 (a) General rule.--Except as provided in subsection (b), the
23 Commonwealth Court shall have exclusive jurisdiction of appeals
24 from final orders of the courts of common pleas in the following
25 cases:

26 * * *

27 [(5) Certain private corporation matters.--

28 (i) All actions or proceedings relating to
29 corporations not-for-profit arising under Title 15
30 (relating to corporations and unincorporated

1 associations) or where is drawn in question the
2 application, interpretation or enforcement of any
3 provision of the Constitution, treaties or laws of the
4 United States, or the Constitution of Pennsylvania or any
5 statute, regulating in any such case the corporate
6 affairs of any corporation not-for-profit subject to
7 Title 15 or the affairs of the members, security holders,
8 directors, officers, employees or agents thereof, as
9 such.

10 (ii) All actions or proceedings otherwise involving
11 the corporate affairs of any corporation not-for-profit
12 subject to Title 15 or the affairs of the members,
13 security holders, directors, officers, or employees or
14 agents thereof, as such.]

15 * * *

16 (b) Exception.--The Commonwealth Court shall not have
17 jurisdiction of such classes of appeals from courts of common
18 pleas as are by [section]:

19 (1) Section 722 (relating to direct appeals from courts
20 of common pleas) within the exclusive jurisdiction of the
21 Supreme Court.

22 (2) Section 783 (relating to appeals from courts of
23 common pleas) within the exclusive jurisdiction of the
24 appellate division of the Commerce Court.

25 § 763. Direct appeals from government agencies.

26 * * *

27 (c) Exceptions.--The Commonwealth Court shall not have
28 jurisdiction of such classes of appeals from government agencies
29 as are:

30 (1) By section 725 (relating to direct appeals from

1 constitutional and judicial agencies) within the exclusive
2 jurisdiction of the Supreme Court.

3 (1.1) By section 832(c) (relating to original
4 jurisdiction) within the exclusive jurisdiction of the
5 Commerce Court.

6 (2) By section 933 (relating to appeals from government
7 agencies) within the exclusive jurisdiction of the courts of
8 common pleas.

9 Section 8. Chapter 7 of Title 42 is amended by adding a
10 subchapter to read:

11 SUBCHAPTER E

12 JURISDICTION OF APPELLATE DIVISION OF

13 THE COMMERCE COURT

14 Sec.

15 781. Original jurisdiction.

16 782. Appeals from Commerce Court original hearing matters.

17 783. Appeals from courts of common pleas.

18 784. Answer of certified questions of law.

19 785. Certification of questions of law.

20 § 781. Original jurisdiction.

21 The appellate division of the Commerce Court shall have no
22 original jurisdiction, except:

23 (1) in cases of mandamus and prohibition to:

24 (i) the judges of the Commerce Court when exercising
25 the original jurisdiction of the Commerce Court; or

26 (ii) courts of inferior jurisdiction where such
27 relief is ancillary to matters within the appellate
28 jurisdiction of the division; and

29 (2) that the division, or any member thereof, shall have
30 full power and authority when and as often as there may be

1 occasion to issue writs of habeas corpus under like
2 conditions returnable to the court.

3 § 782. Appeals from Commerce Court original hearing matters.

4 The appellate division of the Commerce Court shall have
5 exclusive appellate jurisdiction of all appeals from final
6 orders of the Commerce Court entered by a single member thereof,
7 regardless of the nature of the controversy or the amount
8 involved.

9 § 783. Appeals from courts of common pleas.

10 (a) General rule.--Except as provided in subsection (b), the
11 appellate division of the Commerce Court shall have exclusive
12 jurisdiction of appeals from final orders of the courts of
13 common pleas in the following cases:

14 (1) Any civil action or proceeding:

15 (i) In accordance with section 832(a) (relating to
16 original jurisdiction), original jurisdiction of which is
17 exercised by the courts of common pleas either originally
18 or upon review of a determination of the minor judiciary.

19 (ii) Arising under Subchapter A (relating to
20 statutory arbitration) or B (relating to common law
21 arbitration) of Chapter 73 in any case otherwise within
22 the appellate jurisdiction of the appellate division in
23 the absence of arbitration.

24 (2) Any criminal contempt proceeding arising with
25 respect to any matter within the appellate jurisdiction of
26 the court under paragraph (1).

27 (b) Exception.--The appellate division of the Commerce Court
28 shall not have jurisdiction of such classes of appeals from
29 courts of common pleas under section 722 (relating to direct
30 appeals from courts of common pleas) within the exclusive

1 jurisdiction of the Supreme Court.

2 (c) Definition.--As used in this section, the term "minor
3 judiciary" includes the Philadelphia Municipal Court.

4 § 784. Answer of certified questions of law.

5 (a) General rule.--The appellate division of the Commerce
6 Court may answer questions of law certified to it by a United
7 States appellate court or the highest appellate court or the
8 intermediate appellate court of any other state or jurisdiction
9 when requested by the certifying court if questions of law are
10 involved in any matter pending before the certifying court that
11 meet the following requirements:

12 (1) The questions of law are within the jurisdiction of
13 the appellate division which may be determinative of the
14 matter in the certifying court.

15 (2) The questions of law appear to the certifying court
16 to have no controlling precedent in the decisions of the
17 appellate division courts of this Commonwealth.

18 (b) Contents of certification order.--A certification order
19 shall set forth:

20 (1) The questions of law to be answered.

21 (2) A statement of all facts relevant to the questions
22 certified and showing fully the nature of the controversy in
23 which the question arose.

24 (c) Preparation of certification order.--The certification
25 order shall be prepared by the certifying court, signed by the
26 judge presiding over the matter and forwarded to the appellate
27 division of the Commerce Court by the clerk of the certifying
28 court under its official seal. The appellate division may
29 require the original or copies of the record before the
30 certifying court to be filed with the certification order if, in

1 the opinion of the appellate division, the record may be
2 necessary in answering the questions.

3 (d) Costs of certification.--Fees and costs shall be the
4 same as in appeals docketed before the appellate division and
5 shall be equally divided between the parties unless otherwise
6 ordered by the certifying court in its order of certification.

7 (e) Briefs and argument.--Proceedings in the appellate
8 division under this section shall be governed by Commerce Court
9 rules, which may provide specifically for the answering and
10 certification of questions of law under this section.

11 (f) Opinion.--The written opinion of the appellate division
12 of the Commerce Court stating the law governing the questions
13 certified shall be sent by the clerk under the seal of the
14 appellate division of the Commerce Court to the certifying court
15 and to the parties. An order adopting a written opinion shall be
16 subject to appeal under section 724(b) (relating to allowance of
17 appeals from intermediate courts).

18 § 785. Certification of questions of law.

19 (a) General rule.--The appellate division of the Commerce
20 Court, on its own motion or on the application of any party, may
21 certify questions of law to a United States appellate court or
22 to the highest appellate court or the intermediate appellate
23 court of any other state or jurisdiction, when it appears that:

24 (1) the matter pending before the appellate division
25 involves questions of law of the receiving jurisdiction that
26 may be determinative of the matter in the appellate division;
27 and

28 (2) there is no controlling precedent in the appellate
29 court decisions of the receiving jurisdiction.

30 (b) Law of case.--The certification order may contain a

1 provision that the answer to the certified question shall be
2 deemed the law of the case for all further proceedings in the
3 courts of this Commonwealth.

4 (c) Procedure.--The procedures for certification to the
5 receiving jurisdiction shall conform to the laws of the
6 receiving jurisdiction.

7 Section 10. The heading of Article C of Title 42 is amended
8 to read:

9 ARTICLE C

10 COMMERCE COURT AND

11 COURTS OF COMMON PLEAS

12 Section 11. Title 42 is amended by adding a chapter to read:

13 CHAPTER 8

14 ORGANIZATION AND JURISDICTION OF THE

15 COMMERCE COURT OF PENNSYLVANIA

16 Subchapter

17 A. (Reserved)

18 B. Organization of the Commerce Court

19 C. Jurisdiction of the Commerce Court

20 D. Transitional Provisions

21 SUBCHAPTER A

22 (Reserved)

23 SUBCHAPTER B

24 ORGANIZATION OF THE COMMERCE COURT

25 Sec.

26 811. Commerce Court.

27 812. Powers of Commerce Court.

28 813. Seat of court.

29 814. Lien of judgments for money.

30 § 811. Commerce Court.

1 There shall be a Commerce Court of Pennsylvania consisting of
2 six judges for the four years following the effective date of
3 this section. Thereafter, the Commerce Court shall consist of 10
4 judges.

5 § 812. Powers of Commerce Court.

6 The Commerce Court shall have power to issue, under its
7 judicial seal, every lawful writ and process necessary or
8 suitable for the exercise of its jurisdiction and for the
9 enforcement of any order which it may make, including such writs
10 and process to be served or enforced by system and related
11 personnel as the courts of common pleas are authorized by law or
12 usage to issue. The court shall also have all powers of a court
13 of record possessed by the courts of common pleas.

14 § 813. Seat of court.

15 (a) Central filing.--The Commerce Court shall maintain
16 offices for the receipt of filings at one or more locations
17 within this Commonwealth as may be prescribed by Commerce Court
18 rule.

19 (b) Regular sessions.--The regular sessions of the Commerce
20 Court shall be held in:

21 (1) the cities of Harrisburg and Philadelphia;

22 (2) such other cities in this Commonwealth where the
23 United States Bankruptcy Courts are required to hold regular
24 sessions;

25 (3) any judicial district of this Commonwealth where the
26 court of common pleas has provided by local rule that the
27 Commerce Court has exclusive jurisdiction over the matters
28 described in section 832 (relating to original jurisdiction);
29 and

30 (4) any judicial district of this Commonwealth that has:

1 834. Transfers between Commerce Court and other courts.

2 835. Restrictions on jurisdiction.

3 836. Waiver of objection to jurisdiction.

4 837. Limitation on issue preclusion and admissibility of prior
5 judgment.

6 § 831. Definitions.

7 The following words and phrases when used in this subchapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Association." A corporation, partnership, limited liability
11 company, business trust, joint venture, unincorporated
12 association, other than a labor organization, or two or more
13 individuals otherwise associated in a common undertaking,
14 whether or not for profit. The term does not include any of the
15 following:

16 (1) A testamentary or inter vivos trust as defined in 20
17 Pa.C.S. § 711(2) and (3) (relating to mandatory exercise of
18 jurisdiction through orphans' court division in general).

19 (2) A government unit or any agency or instrumentality
20 of the government unit.

21 (3) A combination of government units, agencies or
22 instrumentalities.

23 "Association person." A shareholder, member, partner,
24 associate or owner of an equity interest in, or director or
25 member of, the governing body or of another body, incorporator,
26 promoter, trustee, beneficiary, officer or assistant officer of
27 an association.

28 "Charitable purposes." The relief of poverty, the
29 advancement of education, the advancement of religion, the
30 promotion of health, governmental or municipal purposes and

1 other purposes, the accomplishment of which is beneficial to the
2 community.

3 "Consumer or personal claim." A claim relating to goods or
4 services used or bought primarily for personal, family or
5 household purposes. The term includes a claim by an owner-
6 occupier or tenant of residential real or personal property,
7 including vehicles or vessels, and a claim involving a
8 noncommercial or personal loan, credit or payment. The term does
9 not include a claim:

- 10 (1) as an owner or investor in an enterprise;
- 11 (2) as a client of an investment advisor; or
- 12 (3) arising out of services to an enterprise by an
13 individual as a director or executive officer of the
14 enterprise.

15 "Director." Includes a manager, as defined in the applicable
16 organic law, of a limited liability company.

17 "Enterprise." An association or a sole proprietorship.

18 "Executive officer." As follows:

19 (1) The chief executive officer, chief operating
20 officer, principal financial officer or principal accounting
21 officer.

22 (2) The vice president of the enterprise in charge of a
23 principal business unit, division or function.

24 (3) An officer who performs a significant policymaking
25 function.

26 (4) When the enterprise is a limited partnership,
27 officers or employees of a general partner who perform
28 significant policymaking functions for the limited
29 partnership.

30 (5) When the enterprise is a trust, officers or

1 employees of a trustee who perform significant policymaking
2 functions for the trust.

3 "Mercantile activity or matter." An activity or matter of an
4 industrial, commercial, wholesale or other business character.
5 The term includes, without limitation, the practice of a
6 profession. The term does not include any matter where a
7 consumer, who is a natural person, other than in the capacity of
8 a sole proprietor, is an indispensable party.

9 "Minor judiciary." The community courts, magisterial
10 district judges, Pittsburgh Magistrates Court and Philadelphia
11 Municipal Court.

12 "Miscellaneous corporation law." Includes:

13 (1) The provisions of 17 Pa.C.S. (relating to credit
14 unions).

15 (2) The act of December 1, 1959 (P.L.1647, No.606),
16 known as the Business Development Credit Corporation Law.

17 (3) The act of November 30, 1965 (P.L.847, No.356),
18 known as the Banking Code of 1965.

19 (4) The former act of December 14, 1967 (P.L.746,
20 No.345), known as the Savings Association Code of 1967.

21 (5) The former act of December 14, 1992 (P.L.835,
22 No.134), known as the Fraternal Benefit Societies Code.

23 "Organic law." Includes:

24 (1) The provisions of 15 Pa.C.S. (relating to
25 corporations and unincorporated associations).

26 (2) The provisions of a miscellaneous corporation law
27 that do not constitute regulatory law.

28 (3) Provisions of law that do not constitute regulatory
29 law and that:

30 (i) govern the corporate, internal or organic

1 affairs of an association; or

2 (ii) are applicable to the management of the
3 business or affairs of an association or the rights,
4 powers or duties of an association person.

5 (4) The provisions of 13 Pa.C.S. Div. 8 (relating to
6 investment securities).

7 "Regulatory law." Any provision of law that regulates the
8 operations or business of a business unit of an association or
9 of an association as a whole by a government unit having
10 jurisdiction over the operations or business.

11 § 832. Original jurisdiction.

12 (a) General rule.--Subject to section 835 (relating to
13 restrictions on jurisdiction), the Commerce Court shall have
14 original jurisdiction of all civil actions or proceedings:

15 (1) By the Commonwealth for the rehabilitation,
16 conservation, conversion or other delinquency, reorganization
17 or liquidation proceeding of a fraternal benefit society as
18 defined in 15 Pa.C.S. § 5103 (relating to definitions) or
19 similar enterprise.

20 (2) Relating to or involving an association arising
21 under its applicable organic law or a question of
22 application, interpretation or enforcement of the organic law
23 of an association or association person. The Commerce Court
24 shall have jurisdiction under this paragraph over the
25 administration or enforcement of any trust involving any
26 property of an association committed to charitable purposes,
27 which under the laws of this Commonwealth would have been
28 heard and determined in the orphans' court division of a
29 court of common pleas.

30 (3) Relating to or involving the issuance, sale,

1 transfer or enforcement of any:

2 (i) equity or other security of an enterprise; or

3 (ii) chattel paper or instrument, as those terms are
4 defined in 13 Pa.C.S. § 9102 (relating to definitions and
5 index of definitions), of an enterprise.

6 (4) Relating to or involving a transaction, relationship
7 or agreement among two or more enterprises.

8 (5) Relating to or involving an agreement by an owner or
9 controlling person not to compete with an enterprise made in
10 connection with a sale or transfer of control of an
11 enterprise.

12 (6) Relating to or involving competition between
13 enterprises, including a claim relating to or involving
14 antitrust, intentional interference with contractual
15 relations, trade disparagement, unfair trade practices, an
16 agreement not to compete or a similar matter.

17 (7) Relating to or involving the provision or
18 termination of services to an enterprise, or an agreement not
19 to compete with an enterprise, by an association person or
20 executive officer.

21 (8) Relating to or involving a claim to title to, a lien
22 on or the right to the use of intellectual property,
23 including a claim relating to or involving a patent, trade
24 secret, trademark, trade name, service mark or any other
25 similar matter or a question of application, interpretation
26 or enforcement of any provision of 54 Pa.C.S. (relating to
27 names) other than 54 Pa.C.S. Ch. 7 (relating to judicial
28 change of name) or 17 (relating to newspapers) or any right
29 or agreement relating to those provisions.

30 (9) Arising as a private action under any Federal law

1 which directs a Federal agency to regulate the issuance, sale
2 or transfer of any security or commodity.

3 (10) Relating to or involving a trust, mortgage or other
4 indenture or similar instrument or agreement described under
5 15 Pa.C.S. § 9501(a)(2) (relating to application and effect
6 of chapter).

7 (11) Arising under the act of December 5, 1972
8 (P.L.1280, No.284), known as the Pennsylvania Securities Act
9 of 1972, or the act of March 3, 1976 (P.L.42, No.19), known
10 as the Takeover Disclosure Law.

11 (12) Arising under Subchapter A (relating to statutory
12 arbitration) or B (relating to common law arbitration) of
13 Chapter 73 in any case otherwise within the jurisdiction of
14 the Commerce Court under this subsection in the absence of
15 arbitration.

16 (b) Complementary jurisdictional grounds.--The
17 jurisdictional grounds specified under subsection (a) are
18 complementary and not mutually exclusive. The court shall have
19 jurisdiction over any matter that satisfies the conditions of
20 any one of the grounds specified under subsection (a), without
21 regard to whether the matter satisfies the conditions or
22 limitations applicable to a different ground.

23 (c) Government agency matters.--The Commerce Court shall
24 have original jurisdiction of actions or proceedings by or
25 against and appeals from:

26 (1) the Department of State of the Commonwealth under 13
27 Pa.C.S. (relating to commercial code), 15 Pa.C.S. (relating
28 to corporations and unincorporated associations), 17 Pa.C.S.
29 and 54 Pa.C.S., or any other laws of this Commonwealth
30 relating to the official filing of organic documents and

1 related papers of a corporation or other association, except
2 to the extent that the law constitutes regulatory law; and
3 (2) the Pennsylvania Securities Commission.

4 (d) Ancillary matters.--Except as provided by section
5 835(a), the Commerce Court shall have ancillary jurisdiction
6 over a claim or other matter that is related to a claim or other
7 matter otherwise within its exclusive original jurisdiction.
8 § 833. Concurrent and exclusive jurisdiction.

9 (a) Supervision of regulated associations.--Except as
10 provided in section 721 (relating to original jurisdiction), the
11 jurisdiction of the Commerce Court under section 832(a)(1)
12 (relating to original jurisdiction) shall be exclusive.

13 (b) Internal affairs of associations and mercantile
14 matters.--Except as provided in subsection (c) and section 721,
15 the jurisdiction of the Commerce Court under section 832(a)(2)
16 through (12) and under section 832(c) shall be:

17 (1) exclusive of the courts of common pleas for the
18 First, Fifth and Twelfth Judicial Districts;

19 (2) exclusive of the court of common pleas for any
20 judicial district in which the Commerce Court is required to
21 hold court under section 813(b)(3) (relating to seat of
22 court); and

23 (3) concurrent with the courts of common pleas for all
24 other judicial districts.

25 (c) Removal.--Except as provided under 12 Pa.C.S. § 203
26 (relating to choice of jurisdiction or venue), a defendant shall
27 have the right to remove a matter pending in the Commerce Court
28 under subsection (b)(2) to an appropriate court of common pleas
29 within the time and in the manner prescribed by Commerce Court
30 rule, but there shall be no right of removal of a matter

1 described under subsection (b) (2) from a court of common pleas
2 to the Commerce Court.

3 (d) Agreement.--Except as provided under 12 Pa.C.S. § 203, a
4 written agreement by a party fixing the Commerce Court as the
5 court having jurisdiction entered into before an action is
6 commenced shall not be enforceable.

7 § 834. Transfers between Commerce Court and other courts.

8 Except as provided in section 835 (relating to restrictions
9 on jurisdiction), the Commerce Court or other court of original
10 jurisdiction shall have the power under general rules, on its
11 own motion or upon application of any party, to transfer a
12 matter to another court of coordinate jurisdiction for
13 consideration and decision where that court has a matter
14 involving the same or related questions of fact, law or
15 discretion.

16 § 835. Restrictions on jurisdiction.

17 (a) General rule.--The Commerce Court shall have no
18 jurisdiction, by transfer or otherwise, over the following:

19 (1) A civil matter where a consumer, as such, other than
20 in the capacity of an enterprise, is a proper party or
21 otherwise involves a consumer or personal claim. This
22 exception shall not apply to:

23 (i) a matter arising under section 832(a)(1), (2),
24 (3), (8), (9) or (10) or (c) (relating to original
25 jurisdiction); or

26 (ii) a matter arising under section 832(a)(12) that
27 is also within the jurisdiction of the court under
28 section 832(a)(1), (2), (3), (8), (9) or (10).

29 (2) A civil matter where an individual or an
30 individual's representative is seeking damages for personal

1 injury or wrongful death.

2 (3) A civil matter involving domestic relations,
3 distribution of marital property or denial of civil rights of
4 an individual.

5 (4) A civil matter involving:

6 (i) occupational health and safety;

7 (ii) a labor organization as a party defendant,
8 other than in the capacity of an owner or investor; or

9 (iii) labor and management relations, workers'
10 compensation or unemployment compensation.

11 (5) A civil matter involving a claim for contribution,
12 indemnity, insurance or subrogation relating to a matter
13 under paragraph (2), (3) or (4).

14 (6) Environmental claims not involved in the sale or
15 other disposition of an enterprise or a business unit of an
16 enterprise.

17 (7) A proceeding in eminent domain.

18 (8) Any matter required to be heard and determined in
19 the orphans' court division of a court of common pleas under
20 20 Pa.C.S. Ch. 7 (relating to orphans' court divisions),
21 except a matter under section 832(a)(2).

22 (9) A criminal matter not involving criminal contempt of
23 the court.

24 (10) Claims for damages from professional malpractice.

25 (11) A civil matter involving employment discrimination
26 or sexual harassment, except a matter under section 832(a)(5)
27 or (6).

28 (12) Claims relating to the rights, responsibilities and
29 obligations of insurance companies and insured persons
30 arising under contracts of insurance or reinsurance, except a

1 matter under section 832(a)(1).

2 (13) A civil matter involving a claim for property
3 damage based on a theory of products liability.

4 (14) A claim for property damage or for lost income
5 arising from property damage asserted in a separate action by
6 a subrogated insurance or reinsurance company.

7 (b) Minor judiciary matters.--Except as provided in section
8 832(d), the Commerce Court shall have no original jurisdiction
9 over any matter within the jurisdiction of the minor judiciary.
10 § 836. Waiver of objection to jurisdiction.

11 Notwithstanding any other provision of this title, the
12 failure of a party to file an objection to the jurisdiction of
13 the Commerce Court, the Commonwealth Court or a court of common
14 pleas within such time after the commencement of the matter in
15 court as may be specified by general rule or rule of court
16 shall, unless the court in which the matter is filed otherwise
17 orders, vest jurisdiction in the court.

18 § 837. Limitation on issue preclusion and admissibility of
19 prior judgment.

20 Except as provided in section 785 (relating to certification
21 of questions of law) or in connection with an appeal of an order
22 or decision of the Commerce Court, a judgment of or finding of
23 fact or law by the Commerce Court shall not be binding or
24 admissible or have any precedential value or other force or
25 effect in any action in any other court by reason of the
26 doctrine of issue preclusion, res judicata or collateral
27 estoppel or for any other reason, with respect to a matter or
28 claim under section 835(a) (relating to restrictions on
29 jurisdiction).

30 SUBCHAPTER D

1 affect the jurisdiction of any court over any pending matter,
2 except an existing matter may be transferred to the Commerce
3 Court under section 834 (relating to transfers between Commerce
4 Court and other courts).

5 § 843. Rules.

6 (a) Commerce Court.--Except as otherwise provided by
7 Commerce Court rule, the rules applicable in the court of common
8 pleas of a particular judicial district shall be applicable to
9 original matters heard in the Commerce Court in that judicial
10 district.

11 (b) Appellate division.--Except as otherwise provided by
12 Commerce Court rule, the Pennsylvania Rules of Appellate
13 Procedure shall be applicable to matters in the appellate
14 division of the Commerce Court.

15 § 844. Procurement of juries.

16 Except as otherwise provided by Commerce Court rule, the
17 procedures for the selection, compensation and maintenance of
18 juries for service in the Commonwealth Court shall be applicable
19 to the selection, compensation and maintenance of juries in the
20 Commerce Court. The Commerce Court may utilize special or other
21 juries.

22 § 845. Filing fees.

23 Except as otherwise provided by Commerce Court rule, the fee
24 bill applicable in the Commonwealth Court shall be applicable in
25 the Commerce Court.

26 § 846. Expiration review.

27 (a) Reports to General Assembly.--Within 120 days after the
28 expiration of 10 years after the Commerce Court entered its
29 first final order in any action, proceeding or appeal, the:

30 (1) Commerce Court shall submit to the General Assembly

1 any recommendations relating to the size, structure or
2 operations of the court.

3 (2) Attorney General shall submit a report to the
4 General Assembly reviewing and commenting upon the operations
5 of the Commerce Court and making recommendations relating to
6 the size, structure or operations of the court.

7 (3) Appropriate committees of the General Assembly shall
8 request comments from the organized bar and the general
9 public concerning the size, structure and operations of the
10 Commerce Court.

11 (b) Expiration.--Sections 301(4) (relating to unified
12 judicial system), 581(a) (relating to appellate division of
13 Commerce Court), 811 (relating to Commerce Court) and 3592
14 (relating to receipts and other credits) shall expire 12 years
15 after the entry of the Commerce Court's first final order in any
16 action, proceeding or appeal. The Supreme Court shall provide
17 for the allocation and disposition of unfinished judicial
18 proceedings of the Commerce Court and any money remaining in the
19 Commerce Court Fund after the final disposition of unfinished
20 judicial proceedings shall be transferred to the General Fund.

21 Section 12. Chapter 31 of Title 42 is amended by adding a
22 subchapter to read:

23 SUBCHAPTER E

24 SELECTION AND RETENTION OF
25 JUDGES OF THE COMMERCE COURT

26 Sec.

27 3161. Election of judges of Commerce Court.

28 3162. Vacancies in office of judge of Commerce Court.

29 § 3161. Election of judges of Commerce Court.

30 (a) General rule.--A judge of the Commerce Court shall be

1 elected for a regular term of office at the municipal election
2 next preceding the commencement of the judge's respective
3 regular terms of office by the electors of this Commonwealth.

4 (b) Special procedures.--A judge of the Commerce Court shall
5 be elected as provided in the act of June 3, 1937 (P.L.1333,
6 No.320), known as the Pennsylvania Election Code.
7 § 3162. Vacancies in office of judge of Commerce Court.

8 (a) General rule.--A vacancy in the office of judge of the
9 Commerce Court shall be filled by appointment by the Governor as
10 provided under this section.

11 (b) Nomination to Senate.--The Governor shall nominate one
12 person for each vacancy.

13 (c) Substitute nominations.--The Governor may make a
14 substitute nomination within 30 days after receiving
15 notification from the Senate of the rejection of a nominee.

16 Section 13. Title 42 is amended by adding a section to read:
17 § 3582. Salaries of judges of Commerce Court.

18 The salary of a judge of the Commerce Court shall be equal to
19 a salary of a judge of the Commonwealth Court and the Superior
20 Court.

21 Section 14. Chapter 35 of Title 42 is amended by adding a
22 subchapter to read:

23 SUBCHAPTER G

24 COMMERCE COURT FUND

25 Sec.

26 3591. Commerce Court Fund.

27 3592. Receipts and other credits.

28 3593. Payments and other debits.

29 § 3591. Commerce Court Fund.

30 The Commerce Court Fund is established in the State Treasury

1 as a special operating fund. Debits and credits shall be made to
2 the Commerce Court Fund as provided under this subchapter. The
3 operating and capital expenses of the Commerce Court shall be
4 paid solely from the Commerce Court Fund.

5 § 3592. Receipts and other credits.

6 (a) General rule.--The following shall be paid or credited
7 to the Commerce Court Fund:

8 (1) Amounts appropriated to the Commerce Court in the
9 manner provided by law.

10 (2) The following surcharges, which are imposed:

11 (i) A surcharge on each fee of the Corporation
12 Bureau of the Department of State imposed under 15
13 Pa.C.S. Ch. 1 Subch. C (relating to Corporation Bureau
14 and UCC fees), in the amount of 25% of each fee. The
15 surcharge under this subparagraph may not be:

16 (A) Imposed on the fee imposed under 15 Pa.C.S.
17 § 153(a)(9)(i) (relating to fee schedule).

18 (B) Credited to the Corporation Bureau
19 Restricted Account.

20 (ii) A surcharge on each licensing, examination and
21 other fee of the Department of Banking that is in excess
22 of \$25, in the amount of 10% of each fee. The surcharge
23 may under this subparagraph not be credited to the
24 Banking Department Fund.

25 (iii) A surcharge on each licensing, examination and
26 other fee of the Insurance Department that is in excess
27 of \$25, in the amount of 10% of each fee.

28 (iv) A surcharge on each licensing, examination and
29 other fee of the Pennsylvania Securities Commission that
30 is in excess of \$25, in the amount of 10% of each fee.

1 (3) Amounts received by the Commonwealth on account of
2 the operation of the Commerce Court. Fees and charges of the
3 Commerce Court shall be fixed by the governing authority of
4 the Commerce Court.

5 (b) Billing surcharges.--If a fee that is subject to a
6 surcharge under subsection (a) is billed or collected, the
7 surcharge may not be separately itemized.

8 § 3593. Payments and other debits.

9 Amounts payable by the Commonwealth on account of the
10 operation of the Commerce Court shall be disbursed from or
11 debited to the Commerce Court Fund.

12 Section 15. Sections 5105(b), 5322(e) and 5571(a) of Title
13 42 are amended to read:

14 § 5105. Right to appellate review.

15 * * *

16 (b) Successive appeals.--

17 (1) Except as otherwise provided in this subsection, the
18 rights conferred by subsection (a) are cumulative, so that a
19 litigant may as a matter of right cause a final order of any
20 tribunal in any matter which itself constitutes an appeal to
21 such tribunal, to be further reviewed by the court having
22 jurisdiction of appeals from such tribunal. Except as
23 provided in section 723 (relating to appeals from the
24 Commonwealth Court) there shall be no right of appeal from
25 the Superior Court or the Commonwealth Court to the Supreme
26 Court under this section or otherwise.

27 (2) A right of appeal shall exist in each case from the
28 Commerce Court to the Commerce Court's appellate division,
29 which shall constitute a separate court for the purposes of
30 section 9 of Article V of the Constitution of Pennsylvania.

1 Except as provided under section 724(b) (relating to
2 allowance of appeals from intermediate appellate courts), no
3 right of appeal shall exist from the Commerce Court or the
4 appellate division of the Commerce Court to the Supreme Court
5 under this section or any other provision of law.

6 * * *

7 § 5322. Bases of personal jurisdiction over persons outside
8 this Commonwealth.

9 * * *

10 (e) Inconvenient forum.--When a tribunal finds that in the
11 interest of substantial justice the matter should be heard in
12 another forum, the tribunal may stay or dismiss the matter in
13 whole or in part on any conditions that may be just except if
14 the action arises out of a contract, agreement or undertaking to
15 which 12 Pa.C.S. § 202 (relating to choice of forum) applies.

16 § 5571. Appeals generally.

17 (a) General rule.--The time for filing an appeal, a petition
18 for allowance of appeal, a petition for permission to appeal or
19 a petition for review of a quasi-judicial order, in the Supreme
20 Court, the Superior Court [or], the Commonwealth Court, the
21 Commerce Court or the appellate division of the Commerce Court
22 shall be governed by general rules. No other provision of this
23 subchapter shall be applicable to matters subject to this
24 subsection.

25 * * *

26 Section 16. Section 7302(d)(1) is amended by adding a
27 subparagraph and the subsection is amended by adding a paragraph
28 to read:

29 § 7302. Scope of subchapter.

30 * * *

1 (d) Special application.--

2 (1) Paragraph (2) shall be applicable where:

3 * * *

4 (iv) An individual or sole proprietor has agreed to
5 arbitrate a controversy and the controversy is within the
6 scope of section 832(a)(3), (9) or (11) (relating to
7 original jurisdiction), or any matter ancillary to the
8 controversy, and review of the arbitration proceeding is
9 had in the courts of common pleas or in the courts of
10 another jurisdiction in circumstances where the laws of
11 this Commonwealth apply.

12 * * *

13 (3) If an individual or sole proprietor has agreed to
14 arbitrate a controversy and the controversy is within the
15 scope of section 832(a)(2), (3), (4), (5), (6), (7), (8),
16 (9), (10) and (11) and review of the arbitration proceeding
17 is had in the Commerce Court, the court shall modify or
18 correct the award if the award is:

19 (i) contrary to law;

20 (ii) not in conformity with the substantial
21 evidence; or

22 (iii) is such that had it been a verdict of a jury,
23 the court would have entered a different judgment, a
24 directed verdict or judgment notwithstanding the verdict.

25 Section 17. Title 42 is amended by adding a section to read:

26 § 7363. Commerce Court arbitration.

27 (a) General rule.--The Commerce Court may, by rule or order,
28 determine that a matter or issue must first be submitted to and
29 heard by a board of at least one arbitrator. An arbitrator under
30 this subsection shall be qualified and selected as provided

1 under rule or order.

2 (b) Limitation.--A matter may not be referred under
3 subsection (a) if the amount in controversy, notwithstanding
4 interest and costs, exceeds \$150,000 or a higher amount as
5 determined by Commerce Court rule.

6 (c) Procedure.--Each arbitrator appointed under this section
7 shall have the power and shall proceed in the manner as
8 determined by Commerce Court rule or order.

9 (d) Appeals.--A party shall have the right to appeal to the
10 Commerce Court in the manner determined by Commerce Court rule
11 or order on the record made before the arbitrator, except that
12 if a substantial issue of credibility of testimony exists, a
13 party shall have the right to trial de novo of the issue in the
14 court. In the absence of appeal, the judgment entered on the
15 award of an arbitrator shall be enforced as any other judgment
16 of the Commerce Court. For the purposes of this section and
17 section 5571 (relating to appeals generally), an award of
18 arbitrators shall constitute an order of a tribunal.

19 Section 18. Except as provided under 42 Pa.C.S. § 834, the
20 jurisdiction of the Commerce Court and of the appellate division
21 of the Commerce Court shall apply to cases commenced after
22 publication in the Pennsylvania Bulletin of the proclamation
23 issued under 42 Pa.C.S. § 841.

24 Section 19. This act shall take effect in 90 days.